

Adjournment

Senator York moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTY-FIFTH DAY

(Tuesday, April 20, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator York was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Senate Resolution 80

Senator Jones offered the following resolution:

Whereas, Former Senator S. B. Cowell of Whitesboro, Texas, has been a resident of Texas for Forty-one years; and

Whereas, Senator Cowell served his State with unusual distinction and ability as a Member of the State Senate during the Thirty-third and Thirty-fourth Legislatures, and later

as the first Chairman of the State Board of Control and of the Board which located the Texas Technological College at Lubbock, Texas, and he enjoyed the entire trust, confidence, and admiration of all his colleagues; and

Whereas, On Tuesday, April 27, 1943, Senator Cowell will have reached another milestone in his journey through life; and

Whereas, It is the desire of the Membership of the Senate to extend to Senator Cowell special greetings, and to wish for him many more "Happy Birthdays"; now, therefore, be it

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to this distinguished gentleman.

The resolution was read; and on motion of Senator Jones, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Committee Substitute Senate Bill 169 on Passage to Engrossment

The President laid before the Senate, as the unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

C.S.S.B. No. 169, A bill to be entitled "An Act to amend Section 21 of Article 695c, of the Revised Civil Statutes of the State of Texas of the year 1925 codification, Chapter 8, under Title 20, being the Public Welfare Act of 1941, also being H. B. No. 611 passed by the Regular Session of the Forty-seventh Legislature of the State of Texas, by adding a new Section thereto to be known as Subsection 21a providing that the Department of Public Welfare shall not consider income derived in payment of labor actually performed or service rendered by the recipients of old age assistance where the total amount for any calendar year does not exceed \$250.00; and declaring an emergency."

With motion by Senator Morris to postpone further consideration of the bill until Friday, April 23, 1943, immediately after the conclusion of the morning call on that day, pending.

Senator Cotten moved that further consideration of the bill be postponed until Tuesday, April 27, 1943, im-

mediately after the morning call and that it be made a special order for that hour.

Question first recurring on the motion of Senator Cotten, it prevailed by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Hazlewood	Shivers
Jones	Stone
Lane	Vick
Lanning	Weinert
Lovelady	Winfield

Nays—1

Brownlee

Absent

Graves	Sulak
Ramsey	

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

Motion to Set Senate Bill 283 as Special Order

Senator Chadick moved that S. B. No. 283 be set as a special order for Monday, April 26, 1943, immediately after the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14

Aikin	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalfe
Graves	Morris
Hazlewood	Shivers
Lane	Stone

Nays—9

Cotten	Ramsey
Jones	Vick
Lanning	Weinert
Moffett	Winfield
Moore	

Absent

Beck	Sulak
Fain	

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

Report of Standing Committee

Senator Chadick submitted the following report:

Austin, Texas,
April 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections to whom was referred H. B. No. 321, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

CHADICK, Chairman.

Committee Substitute Senate Joint Resolution 3 on Third Reading

The President laid before the Senate on its third reading and final passage:

C. S. S. J. R. No. 3, Proposing an amendment to Section 51d of Article III of the Constitution of Texas providing that the Legislature shall have power to provide under such limitations, restrictions, and regulations, as may be deemed by the Legislature expedient, legislation providing financial aid for dependent children to conform with the Federal Social Security Act in its present form, or as hereafter amended; and shall have the power to provide funds for the administration of payment of same; and providing that the Legislature shall have the authority to accept from the Government of the United States such financial aid for such program as that Government may offer; and providing for the necessary proclamation and making an appropriation to defray the expenses of proclamation, publication and election.

The resolution was read third time.

The resolution failed of adoption by the following vote (not receiving the necessary vote of two-thirds of the Senate's entire membership):

Yeas—17

Aikin	Brownlee
Beck	Bullock

Chadick	Moffett
Fain	Moore
Graves	Ramsey
Hazlewood	Shivers
Lovelady	Stone
Mauritz	Sulak
Metcalf	

Nays—8

Cotten	Martin
Jones	Morris
Lane	Weinert
Lanning	Winfield

Absent

Vick

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

Senate Bill 352 on First Reading

Senator Winfield moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 352, A bill to be entitled "An Act to provide in all counties having five thousand (5,000) or more cattle, sheep, and goats rendered for

taxation for the employment of certain law enforcement officers; providing for their duties and reports; providing that one or more officers may serve more than one county and that where such counties agree and employ one or more officers to serve several counties, the compensation may be pro-rated among the counties; and declaring an emergency."

To Committee on Stock and Stock Raising.

Senate Bill 353 on First Reading

Senator Lovelady moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senators Lovelady and Ramsey:

S. B. No. 353, A bill to be entitled "An Act to permit the title of certain lands sold by the State of Texas before 1920 to be cleared; to authorize in certain instances the Chairman of the Texas Prison Board to execute quit claim deeds; and declaring an emergency."

To Committee on Penitentiaries.

Motion to Call Senate Bill 125 from Table

Senator Aikin moved to call from the table, on its passage to engrossment (the bill having been read second time on April 2, 1943, and tabled subject to call on April 5, 1943):

S. B. No. 125, A bill to be entitled "An Act to amend Section 1 of Article 1 of H. B. No. 284, Acts of the Regular Session of the Forty-seventh Legislature [relating to granting of aid to certain school districts]; and declaring an emergency."

The motion was lost by the following vote:

Yeas—12

Aikin	Lane
Bullock	Lovelady
Chadick	Shivers
Fain	Stone
Hazlewood	Sulak
Jones	Vick

Nays—13

Beck	Moffett
Brownlee	Mpore
Cotten	Morris
Lanning	Ramsey
Martin	Weinert
Mauritz	Winfield
Metcalf	

Absent

Graves

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

Senate Bill 153 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 153, A bill to be entitled "An Act to amend Article 7043, Title 122, Chapter 1, of the Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 33, Acts of the Third Called Session of the Forty-first Legislature, as amended by Section 1, Chapter 32, Acts of the Second Called Session of the Forty-second Legislature, as amended by Section 1, S. B. No. 118, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide the State tax on property shall never exceed seventeen and a half (17½c) cents on the One Hundred (\$100.00) Dollars valuation; repealing all laws in con-

flict herewith; and declaring an emergency."

The bill was read second time.

(Senator Martin in the Chair.)

Question—Shall the bill be passed to engrossment?

Senate Resolution 81

Senator Moore, by unanimous consent, offered the following resolution:

Whereas, Miss Mary Winfield, the daughter of Senator and Mrs. H. L. Winfield, is to be married on April 24, 1943, to Captain Asher McComb of the Medical Corps of the United States Army Air Forces; and

Whereas, Senator and Mrs. Winfield and Miss Mary Winfield are beloved Members of the "Senate Family," and are near and dear to all of us; and

Whereas, Captain Asher McComb is an outstanding young man and an able surgeon who is contributing much to the welfare of our Country; now, therefore, be it

Resolved by the Senate of Texas, That we congratulate Captain McComb and wish for Miss Winfield and Captain McComb all happiness and success in this, their most important venture of life; and be it further

Resolved, That a copy of this resolution be forwarded to Captain McComb, Miss Mary Winfield, and Senator and Mrs. H. L. Winfield.

MOORE,
SHIVERS,
MORRIS,
WEINERT,
BECK,
RAMSEY,
LOVELADY,
BROWNLEE,
BULLOCK,
LANE,
AIKIN,
VICK,
GRAVES,
COTTEN,
MARTIN,
JONES,
FAIN,
SULAK,
MOFFETT,
HAZLEWOOD,
LANNING,
MAURITZ,
STONE,
METCALFE.

The resolution was read.

On motion of Senator Moore, and by unanimous consent, the resolution was considered immediately and was adopted.

Senator Winfield thanked the Members of the Senate for their adoption of the resolution.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H. B. No. 352 by a vote of 126 yeas, 1 nay.

The House has concurred in Senate amendments to H. B. No. 227 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 228 by a viva voce vote.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

(President in the Chair.)

Bills and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. B. No. 56, A bill to be entitled "An Act providing for the suspension of the running of the primary and principal terms of certain State leases by the School Land Board in certain instances; and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act amending Article 1302, Chapter One of Title 32 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new Subdivision to be known as Subdivision 44a, providing for the formation of private corporations to own, lease, operate and manage hotels and tourist courts and to own stocks, bonds and other securities of hotel and tourist court corporations; and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act relating to marks and brands

of livestock in Fayette County; etc.; and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act amending Article 3193h of Title 51, Chapter 2, of the Revised Civil Statutes of 1925, so as to provide for the length of time that a voluntary patient may remain in a State Hospital; etc.; and declaring an emergency."

H. B. No. 316, A bill to be entitled "An Act to amend Section 13, of Chapter 478, of the Acts of the Regular Session of the Forty-fifth Legislature of Texas, so as to provide that a registered architect who has entered service in the United States Army, Navy, Marine Corps, or Coast Guard subsequent to October 1st, 1940, and who was at the time of his entry into said service or is now in good standing as a registered architect, shall have his name continued on the list of registered architects and shall be exempt from the payment of any further license fee during his service, as aforesaid, and until honorary discharge, and when honorably discharged from the service he shall be exempted from the payment of such fee for the then current fiscal year; etc.; and declaring an emergency."

H. B. No. 299, A bill to be entitled "An Act to amend Article 607 of the Penal Code of Texas, of 1925, by adding thereto Subsections 15, 16, 17, 18, 19, and 20, the purpose of this Act being to include additional persons as vagrants, to define the terms 'prostitution,' 'lewdness' and 'assignation' fixing a penalty, to repeal all conflicting laws, providing that if any part of this Act is declared invalid it shall not affect the validity of the remainder of this Act; etc.; and declaring an emergency."

H. C. R. No. 46, Requesting establishment of pharmacy corps in the United States Army.

H. B. No. 458, A bill to be entitled "An Act making an appropriation of Five Hundred Fifty (\$550) Dollars, or so much thereof as may be necessary, to pay a certain judgment rendered on February 15, A. D. 1943, in the One Hundred Twenty-sixth District Court of Travis County, Texas, in cause No. 67,829, wherein W. L. Priddy is plaintiff and the State of Texas is defendant, for the principal sum of Five Hundred (\$500) Dollars

with interest at the legal rate of six (6) per cent per annum from the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of Five Dollars Eight-five Cents (\$5.85), and providing further that the Comptroller of the State of Texas be directed to issue warrant to pay said judgment to the party herein named in payment of the same and the amount specified herein; and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act to amend Section 1 of H. B. No. 271, Acts of the Regular Session of the Forty-seventh Legislature, the Judiciary Appropriation bill, by adding thereto a new Section to be known as Section 1a, to make an appropriation of \$2,600 for the payment of compensation or fees to attorneys, including county attorneys, who, since January 1, 1940, to the effective date of this Act, have performed the duties of a district attorney pursuant to the provisions of Articles 26 and 31 of the Code of Criminal Procedure of Texas; etc.; and declaring an emergency."

H. B. No. 292, Repealing Chapter 396, S. B. No. 491, Acts of the Regular Session of the Forty-fifth Legislature, which fixes a filing fee of candidates for Congress in certain counties; and declaring an emergency."

Executive Session

At 11:30 o'clock a. m., the President announced the arrival of the hour set for an executive session of the Senate.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following appointments had been confirmed by the Senate:

To be a Member of the State Board of Pharmacy for a six year term to expire June 14, 1949:

Marion E. Dooley of Wolfe City, Hunt County.

To be a Member of the Texas Prison Board to fill the unexpired term of Honorable E. L. Kurth, resigned, term to expire February 2, 1945:

Claude K. McCann of Victoria, Victoria County.

To be Members of the State Board of Health for six year terms to expire June 15, 1949:

Dr. Howard Granberry of Austin, Travis County;

Dr. Sam E. Thompson of Kerrville, Kerr County;

J. P. Burden of San Angelo, Tom Green County.

To be Members of the Board of Regents, Texas State College for Women, for terms expiring January 10, 1949:

Mrs. Albert G. Walker of Austin, Travis County;

Maury Pollard of Beaumont, Jefferson County;

Isaac O. Newton of Seymour, Baylor County.

To be a Member of the Livestock Sanitary Commission for a six year term expiring May 4, 1949:

Louis J. Wardlow of Fort Worth, Tarrant County.

To be Members of the State Parks Board for six year terms expiring May 15, 1949:

Wendell Mayes of Brownwood, Brown County;

J. V. Ash of Bastrop, Bastrop County.

To be Members of the Board of Directors, Texas Technological College for term expiring February 19, 1949:

Kyle Spiller of Jacksboro, Jack County.

To be a Member of the Board of Directors, Texas Technological College to fill the unexpired term of A. J. Riddle, term expiring February 19, 1945:

A. G. (Pat) Mayse of Paris, Lamar County.

After Executive Session

The President called the Senate to order as in legislative session at 11:40 o'clock a. m.

Senate Bill 354 on First Reading

Senator Mauritz moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduc-

tion of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Mauritz:

S. B. No. 354, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and the Attorney General; and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

To Committee on Claims and Accounts.

Reports of Standing Committees

Senator Lovelady, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 164, have had same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LOVELADY, Chairman.

Senator Chadick, by unanimous consent, submitted at this time the following report:

Committee Room,
Austin, Texas,
April 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections to whom was referred H. B. No. 393, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Senate Bill 153 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 153, relating to disposition of ad valorem taxes collected for State purposes, on its passage to engrossment.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 153 by striking out the words and figures "\$22.50" wherever they appear in Section 1 and insert in lieu thereof the words and figures "\$25.00."

AIKIN,
BULLOCK.

Question—Shall the amendment be adopted?

Senator Lanning moved that the bill be tabled subject to call.

The motion to table subject to call prevailed by the following vote:

Yeas—12

Aikin	Lanning
Bullock	Metcalfe
Cotten	Moffett
Hazlewood	Morris
Jones	Stone
Lane	Weinert

Nays—11

Beck	Graves
Brownlee	Lovelady
Chadick	Martin

Mauritz	Vick
Ramsey	Winfield
Sulak	

Absent

Fain	Shivers
Moore	

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

Recess

On motion of Senator Martin, the Senate, at 11:55 o'clock a. m., took recess to 3:00 o'clock p. m. today.

Afternoon Session

The Senate met at 3:00 o'clock p. m. and was called to order by the President.

Reports of Standing Committees

Senator Graves, by unanimous consent, submitted at this time the following report:

April 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 608, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Senator Fain, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Penitentiaries to whom was referred S. B. No. 353, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Chairman.

Senate Bill 67 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 67, A bill to be entitled "An Act to amend Subsection (1) of Section 9 of H. B. No. 440, Chapter 169 of the Regular Session of the Forty-fifth Legislature as amended by Section 2 of S. B. No. 70, Chapter 392 of the Regular Session of the Forty-seventh Legislature so as to annul the exceptions wherein no record need be kept by such persons of the narcotic drugs so administered, dispensed or professionally used; and expressly repealing Section I-a of S. B. No. 70, Chapter 392, Acts of the Regular Session of the Forty-seventh Legislature which repealed Section I of S. B. No. 70, Chapter 392 of the Regular Session of the Forty-seventh Legislature; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following (committee) amendment to the bill:

Amend S. B. No. 67 by adding at the end of Section 1, the following:

"Provided further, that any person may purchase at any time one-half ounce of paregoric without a doctor's prescription."

Senator Cotten offered the following amendment to the amendment:

Amend Moffett amendment by striking out the word "half."

Senator Moffett moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—4

Lane	Moffett
Metcalf	Morris

Nays—16

Aikin	Jones
Beck	Lanning
Brownlee	Lovelady
Bullock	Mauritz
Chadick	Ramsey
Cotten	Shivers
Fain	Weinert
Graves	Winfield

Present—Not Voting

Sulak

Absent

Hazlewood

Martin

Moore

Stone

Vick

Absent—Excused

Formby

Kelley

Lemens

Spears

York

The amendment to the amendment was adopted.

The (committee) amendment as amended was adopted.

The bill was passed to engrossment.

Senate Bill 67 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin

Beck

Brownlee

Bullock

Chadick

Cotten

Fain

Graves

Hazlewood

Jones

Lane

Lanning

Lovelady

Martin

Mauritz

Metcalf

Moffett

Moore

Morris

Ramsey

Shivers

Stone

Sulak

Vick

Weinert

Winfield

Absent—Excused

Formby

Kelley

Lemens

Spears

York

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 20, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 247, A bill to be entitled "An Act to amend and re-enact Section 5 of the Motor Fuel Tax Law, the same being Article XVII of Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, (to facilitate and speed shipments of motor fuel during the war emergency) providing the Comptroller may authorize the sale or distribution of motor fuel and certain other products, without collecting the tax, to bonded and licensed distributors when said products are purchased for the purpose of exportation or for further refining, processing, treating, or blending, and requiring the persons selling said products to keep records, make reports, and issue manifests of such sales and requiring the purchasing distributor to pay the tax on any subsequent taxable sale or use of said products; etc.; and declaring an emergency."

H. B. No. 380, A bill to be entitled "An Act to amend the subject-matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session, as amended by Section 1, Chapter 2, S. B. No. 29, General and Special Laws, Forty-seventh Legislature, as amended by Section 1, Chapter 83, S. B. No. 326, General and Special Laws, Forty-seventh Legislature, by adding a new Subsection so as to provide that the term or phrase 'an employing unit succeeding to the experience of another employing unit,' used in paragraph 9, Subsection c, of said Section 7, shall be held to mean any individual or type of organization purchasing or acquiring a majority interest in and to the stock, or other properties, and/or right, title, interest

or control of the former business, service or enterprise; etc.; and declaring an emergency."

The House has adopted the Conference Committee report on S. B. No. 256 by a vote of 117 yeas, 1 nay.

H. C. R. No. 111, Inviting Governor Moses of North Dakota to address a joint session of the Texas Legislature Thursday morning, April 22, at 11:00 o'clock.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 111

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 111, Inviting Hon. John Moses, Governor of the State of North Dakota, to address a joint session of the Legislature on April 22, 1943.

The President laid the resolution before the Senate, and it was read and was adopted.

Report of Conference Committee on Senate Bill 256

Senator Hazlewood submitted the following report:

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker House of Representatives.

Sirs: We, the Members of your Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 256, have met and recommend that S. B. No. 256 be passed in the form attached hereto.

HAZLEWOOD,
MOORE,
AIKIN,
STONE,
VICK,

On the Part of the Senate;

DEEN,
MOORE,
LEONARD,
PIGG,
HOBBS.

On the Part of the House.

S. B. No. 256

A BILL To Be Entitled

"An Act amending Section 2 and Section 3 of H. B. No. 611, Chapter 562, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 2 of H. B. No. 611, Chapter 562, Acts of the Regular Session of the Forty-seventh Legislature, is hereby amended so that the same shall hereafter read as follows:

"Sec. 2. (1) A State Board of Public Welfare, which shall consist of three members to be appointed by the Governor with the advice and consent of twenty-one (21) Members of the State Senate, is hereby created. Each member of this Board shall be more than thirty-five (35) years of age; he shall be of good moral character; he shall have been a resident, property tax paying voter in the State of Texas for as long as five years next before his appointment; and he shall be a practical business man with at least five years actual experience in a managerial or executive capacity.

"(2) The terms of office of the members of the State Board of Public Welfare created under and by virtue of H. B. No. 611, Chapter 562, Acts of the Regular Session of the Forty-seventh Legislature, shall cease and terminate on the effective date of this Act and thereupon the Governor shall appoint the members of the State Board of Public Welfare herein created, one member of which shall be appointed for a term of office beginning on the effective date of this Act and ending on January 31, 1945, one member for a term beginning on the effective date of this Act and ending on January 31, 1947, and one member for a term beginning on the effective date of this Act and ending on January 31, 1949, and in making the appointments the Governor shall designate the appointee for the short, intermediate and long term. With the exception of the membership first appointed, the term of office of a member of the State Board of Public Welfare shall be for

a period of six (6) years, or until his successor has been appointed and has qualified, and on or before February first of each year in which the Legislature convenes in regular session the Governor shall make one appointment to said Board. In the event a vacancy occurs on the Board the Governor shall immediately fill such vacancy by appointment and shall submit the name of the appointee to the Senate at the next session of the Legislature. Each appointee shall be deemed to have qualified when he shall have subscribed to the Constitutional Oath of office prescribed for all State Officials.

"(3) The State Board of Public Welfare shall have its offices in Austin, Texas, in a building to be designated by the State Board of Control. The Board shall meet in regular session at its offices in Austin once each quarter of the fiscal year and it may have such other meetings as it deems expedient for the administration of public welfare activities. At its first meeting and biennially thereafter when a new member qualifies for a full term, a Chairman shall be selected by said Board from its membership. Each member of the Board shall receive his actual and necessary expenses while engaged in the discharge of his duties, including expenses of travel from his home to Austin and return, and a per diem of \$10.00 for each day devoted to the duties of his office, not exceeding, however, sixty (60) days for any fiscal year.

"(4) A State Department of Public Welfare is hereby created and said Department shall consist of the State Board of Public Welfare and the agents, representatives and employees of said Board. The Board of Public Welfare is hereby charged with the duty of formulating the policies of the State Department of Public Welfare and of promulgating such rules and regulations as are necessary or convenient for the operation of said State Department and of doing and performing such other acts as are necessary or convenient for the administration of the Public Welfare Act of 1941."

Sec. 2. Section 3 of H. B. No. 611, Chapter 562, Acts of the Regular Session of the Forty-seventh Legislature is hereby amended so that

the same shall hereafter read as follows:

"Sec. 3. (1) The Board of Public Welfare shall select and appoint, with the advice and consent of twenty-one (21) members of the State Senate, an executive director of the Department of Public Welfare, who shall be the executive and administrative officer of the State Department and shall discharge all administrative and executive functions of the State Department. Such person so selected and appointed shall be not less than thirty-five (35) years of age at the date of his appointment, and shall have been a resident citizen of the State of Texas for at least ten (10) years preceding the date of his appointment, and shall not have been a occupant of any elective State office at the time of his appointment, nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment. He shall be a person of demonstrated executive ability.

"(2) The term of office of the executive director of the Department of Public Welfare created under and by virtue of H. B. No. 611, Chapter 562, Acts of the Regular Session of the Forty-seventh Legislature, shall cease and terminate on the effective date of this Act and the Board of Public Welfare shall select and appoint the executive director provided for in paragraph (1) of Section 3 hereof at the first meeting of the Board, which shall convene in Austin, Texas, within ten (10) days after said Board shall have been appointed. The term of office of the first executive director selected hereunder shall expire on January 15, 1945. Thereafter the term of office of the executive director shall be for a period of two years."

Sec. 3. The fact that confusion and uncertainty have arisen in the administration of the Public Welfare Act of 1941, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and the constitutional rule requiring bills to go into effect ninety (90) days from and after their passage, be and the same are hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

Senator Metcalfe raised a point of order against consideration of the report, on the ground that it contains matter not germane to the original purposes of the bill and that it also contains new matter not contained in the bill as it was passed by either the House or the Senate.

The President ruled as follows on the point of order:

"The point of order is overruled, and the Chair holds that the original purpose of the bill is sufficiently broad to encompass the provisions of the conference report. The difference between the House and Senate was the authority in which to vest the appointing power. The House vested said power in the Governor, the original Senate bill vested it in the present Board of Public Welfare. The point of difference between the two Houses was agreed upon by vesting such appointive power in a new Board of Directors which was provided for in the conference report."

Question recurred—Shall the report be adopted?

(Senator Fain in the Chair.)

The report was adopted by the following vote:

Yeas—17

Aikin	Lovelady
Beck	Mauritz
Bullock	Moffett
Chadick	Moore
Fain	Morris
Hazlewood	Shivers
Jones	Stone
Lane	Vick
Lanning	

Nays—9

Brownlee	Ramsey
Cotten	Sulak
Graves	Weinert
Martin	Winfield
Metcalfe	

Absent—Excused

Formby	Spears
Kelley	York
Lemens	

House Concurrent Resolution 102

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 102, Granting temporary leaves of absence from the State to district judges.

The President laid the resolution before the Senate, and it was read and was adopted.

Adjournment

On motion of Senator Sulak, the Senate, at 4:50 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTY-SIXTH DAY

(Wednesday, April 21, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore Mauritz.

The roll was called, and the following 18 Senators were present:

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Cotten	Moore
Jones	Morris
Lane	Shivers
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield

Senator Weinert moved a call of the Senate for the purpose of securing a quorum, and the call was duly seconded and ordered.

The President pro tempore requested the Sergeant-at-Arms to enforce the attendance of the unexcused absentees who are not ill.

Senators Hazlewood, Chadick, and Vick appeared in the Senate Chamber and were announced present.

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.